

## **BOARD OF ZONING APPEALS**

The regular meeting of the Board of Zoning Appeals was held on January 7, 2016 at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

**Board Member Majic** called the meeting to order at 7:00 p.m.

### **ROLL CALL OF MEMBERS**

#### **Present**

Board Member Joe Manchin  
Board Member John Six  
Board Member Ray Friend  
Board Member Aron Majic

#### **Absent**

#### **City Staff Present**

City Planner Mark Miller  
Recording Secretary Maria Cipolla

### **APPROVAL OF MINUTES**

**Board Member Majic** asked for a motion to approve the minutes from December 3, 2015.

**Board Member Friend** motioned to approve the minutes.

**Board Member Manchin** seconded the motion.

**Motion carried 4-0.**

### **PUBLIC HEARINGS FOR January 7, 2016**

1. **Carriage House at Highgate, Inc. is requesting to substitute one non-conforming use, offices, for another similar use at 830 Walnut Avenue (Tax Map 03-04, Parcel 116.1). Article 8.3.2.E of the Fairmont Zoning Code states that the Board of Zoning Appeals may authorize a non-conforming use to be changed to another equal or less intense nonconforming use.**

**Board Member Majic** first reminded the group that we are here to speak about the offices. He then asked if there was anyone here to speak in favor of this request.

**Cheri Satterfield** said she was here to ask for the use of offices just like they were before. We have offices for my companies on the top floor. We want this to exist as it has been existing. There are no hidden agendas. I just want to do the right thing and pay my city fees. That is why this has come up. I have received phone calls over this. I have three companies and 140 employees. It takes a lot of people to run all of this.

**Nick Fantasia** stated, I am here to speak on behalf of Mrs. Satterfield's request. As part of the City when we did the redevelopment of that site, I was involved with it. I was also involved when the Redevelopment Corporation acquired the site and the offices went in there. I have seen what Mrs. Satterfield has done. It is consistent with what has been done historically. It is heartening to see her out in the yard working as well as her Mom and Dad. It is very nice to see some vibrancy and activity happening there that is positive. For a while, we were all concerned it was going backwards. She has halted the retreat with what she has done. I think it has a very positive future. I applaud her efforts. Thank you.

**Bill Oliver, the Planning & Zoning Commission President**, said, in 1992 we did this request for the Vandalia Heritage Foundation so they could continue to do their offices. This is something we do need to look into. As far as the Planning Commission, we do endorse this to stay as is.

**Board Member Majic** asked if there was anyone else to speak in favor of this request.  
**There were none.**

**Board Member Majic** asked if there was anyone to speak against this request.

**Judy Byers** stated the concerns she and the other neighbors have. Judy then handed out a sheet that listed these concerns.

**Muriel "Peggy" Twyman** said, the reason I am here is because I did not receive a notification of any kind about this hearing. **Maria Cipolla** explained to her that only the surrounding properties of the Carriage House would be notified by certified mail. **Mark Miller** added that we notify the properties adjacent. It was changed a couple of years ago. It used to be property within 200 feet of the property. Mr. Miller showed Peggy the map used to send out the certified mail for this request. She was also concerned the property was being rezoned to put in a bar or lounge. She also asked what the hours of operation are going to be.

**Board Member Majic** explain, they cannot put a bar and restaurant not just due to the zoning but because you are within 500 yards of two churches. It will never be allowed. It cannot happen.

**Cheri Satterfield** stated, everyone is out of the offices by six o'clock. During a wedding, there is clause that it has to be over by ten o'clock. No if, ands, or buts about it. We have contracted with both churches to use their parking lots and the transit buses to arrange for transportation from the local hotels. They can still park on the street but there will be parking elsewhere available for them.

**Board Member Majic** asked if there was anyone to speak against this request.  
**There were none.**

**Board Member Majic** asked **Mark Miller** for his staff report.

**Mark Miller** said I realize there are concerns if there is an increase in events, parking, and hours of operation, but all we are here tonight to do is to just discuss the offices. It's worded as a continuation of a nonconforming use. A nonconforming use in General Residential means offices are not traditionally permitted in this district but because for so many years there have been office in there, it is grandfathered in. Each time ownership changes hands, they need to come before the City and explain what they are doing so that we can address everybody's concerns. Again, it is zoned General Residential. Anytime a nonconforming use changes hands but remains the same use, it comes before the BZA and they must grant the request. Nothing has been given to the City that gives us any indication that it is going to be anything more than it ever was. If there is some interest down the road in rezoning this property, that would be an entirely different commission and meeting. We have a real passion for the history of Fairmont and the preservation of historic structures. I feel we fall short when it comes to their reoccupancy. A number of people, who have always lived here, told me they have never seen the outside fountain work. Based on code, staff supports the continuation of the nonconforming use for offices at 830 Walnut Avenue.

**Board Member Majic** asked if there was a motion to close the public hearing.

**Board Member Friend** motioned to approve the request.

**Board Member Six** seconded the motion.

**Motion carried 4-0**

**The Board and Mark Miller discussed the request.**

**Board Member Majic** asked if there was a motion for or against this request.

**Board Member Friend** motioned to approve the request.

**Board Member Manchin** seconded the motion.

**Motion carried 4-0**

**2. Judith Retton is requesting a variance from Article 5.10.4 to construct a carport at her 101 Boxwood Lane residence (Tax Map 04-01, Parcel 87).**

**Board Member Majic** asked if there was anyone here to speak for this request.

**Judith Retton** said, I want to put my car under something so that I don't have to shovel snow.

**Board Member Majic** asked if there was anyone here to speak for this request.

**There were none.**

**Board Member Majic** asked if there was anyone to speak against this request.

**There were none.**

**Board Member Majic asked Mark Miller for his staff report.**

**Mark Miller** said, Mrs. Retton came in and talked to me. One thing she left out was there was a garage but due to an elderly parent that moved in. They ended up turning the garage into additional living space. That left her without a garage. So now we are looking at whether she can place a carport on her existing driveway. It doesn't appear that the proposed carport would adversely affect the safety of the neighbors. I would suggest it be an open carport because we need to maintain visibility on that corner. The lot is irregularly shaped and there is no access to the backyard and side yard to put this carport in. The front yard is the only remaining alternative. The zoning allows for a variance due to typography, size, and other issues with the lot not created by the owner. The open carport she is proposing will not hinder visibility for the neighborhood and for these reasons, staff supports recommends approval.

**Board Member Majic** asked if there was a motion to close the public hearing.

**Board Member Six** motioned to close the hearing.

**Board Member Manchin** seconded the motion.

**Board Member Majic** against for a motion for the request.

**Board Member Friend** motioned to approve the request.

**Board Member Six** seconded the motion.

**Motion carried 4-0**

**Mark Miller** explained to Mrs. Retton that she has been approved and that she will need to go down to the City for her permit.

**DISPOSITION OF PAST CASES**

**There were none.**

**OTHER BUSINESS**

**1. A replacement for Board Member, Rich Wood**

**Mark Miller** informed the BZA they have a vacancy left by Mr. Wood. We don't have any applicants at this time.

**2. The election of President and Vice President**

**Mark Miller** said he did not put this item on the agenda tonight. I just want all of you to think about it. Other than Joe, everybody here is fairly new. Kevin & Rich had held their positions for a long time. Please take some time between now and the next meeting and think about who you would like to step up and be in charge.

**ADJOURNMENT**

**Board Member Majic** asks for a motion to adjourn.

**Board Member Six** motioned to adjourn.

**Board Member Manchin** seconded the motion.

**Motion carried 4-0**